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JUN 25 2012

Div. of Oil, Gas & Mining

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

LIVING RIVERS,
Petitioner,

vs.

UTAH DIVISION OF OIL, GAS & MINING,
Respondent,

RED LEAF RESOURCES, INC.,
Intervenor-Respondent.

JOINT MOTION FOR STAY

Docket No. 2012-17
Cause No. M/047/0103

Intervenor-Respondent Red Leaf Resources, Inc. (“**RLR**” or “**Red Leaf**”), permittee of the Southwest #1 Mine, M/047/0103 (“**Project**”), and Respondent Utah Division of Oil, Gas & Mining (the “**Division**,”) and Petitioner-Living Rivers (collectively “**Parties**”), through their attorneys, and pursuant to Utah Administrative Code R641-105-300, jointly move to stay the proceedings in this matter to permit the Division to undertake further review of RLR’s Notice of Intent for the Project (“**NOI**”) in accordance with this stipulated motion. This Motion is consistent with the alternative request proposed by the Division that the Board stay the decision

on the permit until the decision by DWQ is concluded. *Response of the Utah Division of Oil Gas and Mining to Living Rivers Request for Agency Action*, p. 15.

The Parties request the following:

1. The Board stay further proceedings in this matter to permit the Division to make further evaluation of the NOI after DWQ has either issued a discharge permit to RLR or provided written confirmation that a permit is not required;
2. Red Leaf may provide supplemental hydrologic information, if any, to the Division at any time until a determination is made by DWQ;
3. Within 30 days of DWQ's decision on the discharge permit, the Division will issue a decision on whether the NOI requires modification based on the decision by DWQ and any new hydrologic information provided;
4. If the Division determines that the NOI must be modified base on the supplemental information and the DWQ decision, the Division will give notice of its determination to RLR and Living Rivers. RLR shall respond within 30 days to the Division's request for modification;
5. After review of the response by RLR, the Division will make a final decision on the modification of the NOI.
6. Within 30 days after the final decision by the Division, Living Rivers may amend its pleadings with respect to any modifications to RLR's NOI including new issues that arise from the supplemental hydrologic information or DWQ's decision.

7. After Living Rivers has filed its amended Request for Agency Action the Parties will file responses as provided by the Board's Rules and the matter shall be reset for formal hearing before the Board.
8. Red Leaf Resources will pay the Division and Living Rivers' cost associated with the cancellation of the June 27, 2012 hearing in amounts as separately agreed.

RESPECTFULLY SUBMITTED this 26th day of June, 2012.

SNELL & WILMER, L.L.P.



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DIVISION OF OIL, GAS AND MINING



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